

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments to the claims and the following comments.

In the Office Action mailed November 14, 2005, claims 1, 3, 5, 7, 9-13, and 22-38 were examined and rejected as follows:

- Claims 1 and 7 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,451,054 to Orenstein (the "Orenstein patent").
- Claims 3, 5, 9-13, and 23-38 were rejected under 35 U.S.C. § 103(a), as allegedly obvious over the Orenstein patent in view of U.S. Patent No. 4,974,122 to Shaw (the "Shaw patent").

Applicants respectfully traverse these rejections.

By this Amendment, Applicants have amended independent claims 9 and 31, and they have added new claim 39, which depends from amended independent claim 31. Twenty seven claims are presented for consideration, including independent claim 1 and its dependent claims 3, 5, 7, 11-13, and 22-30; independent claim 9 and its dependent claim 10; and independent claim 31 and its dependent claims 32-39. All of these claims are properly allowable.

Applicants thank the Examiner for her courtesy in granting a telephone interview with the undersigned attorney of record, conducted on January 31, 2006. During that telephone interview, the rejections of independent claims 1, 9, and 31 were discussed. The arguments presented for patentability are restated below.

The Invention

Before addressing the specific rejections of the claims, it will be helpful first to briefly summarize Applicants' claimed invention.

WD2-LA:LJM\70916230.2
021306

-6-

01YA-120318

The invention resides in a poker table incorporating (1) a tabletop defining an opaque, planar playing surface, (2) one or more supports for the tabletop, (3) a light window, and (4) a light source configured to project light upwardly through the light window. The light window is defined to be translucent, planar, and coplanar with the playing surface, or it is defined to extend around a substantial portion of the periphery of the playing surface, past a plurality of player stations, and to have a generally oval shape. Preferably, the light window is configured to have all of these features. In addition, the light window optionally can extend around the entire playing surface, and it can be formed of milk-colored plexiglas.

In addition, the poker table can further incorporate a trough rigidly secured to the underside of the tabletop, for carrying the light source. The trough may be configured, for example, in a generally C-shape. A vertical riser of the trough can be fastened to the underside of the playing surface such that a portion of the trough, e.g., its base, extends outwardly from the outer edge of the playing surface. The trough can additionally include one or more access holes and/or one or more vent holes. The tabletop also can include a rigid base and an overlaying fabric pad. Further, the light source can include one or more fluorescent lights, and it can be configured to be illuminated continuously.

The § 102(b) Rejection of Claims 1 and 7 Based on the Orenstein Patent

As mentioned above, independent claim 1 and its dependent claim 7 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by the Orenstein patent. Applicants respectfully traverse this rejection. The Orenstein patent fails to disclose a poker table having all of the features of these claims.

The Orenstein patent discloses a poker table 10 having a plurality of card-receiving stations 12. Each such station includes a transparent window 20 formed in the table, and a card scanning apparatus 24 is located beneath each window, for viewing a face-down playing card placed over it. This enables a viewing audience to view the players' down cards.

Rejected independent claim 1 defines a poker table including: (1) a tabletop defining a planar playing surface; (2) one or more supports for supporting the tabletop; (3) a planar, *translucent* light window coplanar with the plane of the playing surface, and (4) a light source configured to project light upwardly through the light window. The translucence of the light window, of course, means that the window transmits light in a diffuse manner, such that objects (e.g., a face-down playing card) cannot be seen clearly through it.

In rejecting independent claim 1 based on the Orenstein patent, the Examiner implicitly took the position that Orenstein's windows 20 correspond to the "light window" element of independent claim 1. She reiterated this position during the telephone interview. In response, Applicants' attorney pointed out that Orenstein's windows 20 are necessarily *transparent*, not *translucent*. Otherwise, the card scanning apparatus 24 located beneath each window could not discern the players' down cards. Applicants' attorney also referred the Examiner to the following dictionary definition of the term "translucent," which is entirely consistent with usage of the term in Applicants' specification:

1 : permitting the passage of light: . . . b : transmitting and diffusing light so that objects beyond cannot be seen clearly.

www.m-w.com.

Based on this definition, Orenstein's windows 20 could not be made of a material that is translucent, without sacrificing the essential purpose of the card scanning apparatus 24. If the windows were translucent, light from an overlaying playing card would be "diffused" and could not be "seen clearly" by the card scanning apparatus 24.

For this reason alone, Orenstein's poker table lacks the required translucent light window and therefore fails to anticipate independent claim 1, or its dependent claim 7. The rejection of claims 1 and 7, as allegedly anticipated by the Orenstein patent, therefore, is improper and should be withdrawn.

**The § 103(a) Rejection of Claims 3, 5, 7, 9-13, and 22-38
Based on the Orenstein Patent in view of the Shaw Patent**

Also as mentioned above, claims 3, 5, 7, 9-13, and 22-38 all were rejected under 35 U.S.C. § 103(a), as allegedly obvious over the Orenstein patent in view of the Shaw patent. Applicants respectfully traverse this rejection. These two patents, taken together, fail to show or suggest the invention defined by these claims.

Dependent Claims 3, 5, 7, 11-13, and 22-30

Claims 3, 5, 7, 11-13, and 22-30 all depend from independent claim 1 and, thus, likewise call for a “translucent, planar light window.” As discussed above in connection with the rejection of independent claim 1, the Orenstein patent fails to disclose a poker table having this feature. The Shaw patent, which discloses a compact LCD luminaire, fails to make up for this deficiency of the Orenstein patent. For this reason alone, the § 103(a) rejection of claims 3, 5, 7, 11-13, and 22-30 is improper and should be withdrawn.

Independent Claim 9 and Its Dependent Claim 10

Independent claim 9 defines a game table including (1) a playing surface; (2) a light window disposed adjacent the playing surface, including all of its one or more player stations; (3) a light source disposed beneath the light window for projecting light upward; and (4) a light trough rigidly secured to the underside of the playing surface, for carrying the light source at least partially beneath said light window. In addition, the light trough is defined to have a generally C-shaped cross-section having first and second vertical risers and a connecting floor. This Amendment also has amended claim 9 to add the word “and” before the final element.

In rejecting independent claim 9, the Examiner asserted as follows, at pages 3-4 of the Office Action:

“Orenstein fails to explicitly teach a trough secured to the tabletop for carrying his light source. Shaw discloses a Compact LCD Luminaire. Shaw teaches a trough, attached to his tabletop, for carrying his light source, which is disposed adjacent to the outer edge (see fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Orenstein to include a trough to provide uniform lighting.”

Applicants agree with the Examiner, that the Orenstein patent fails to disclose a C-shaped light trough rigidly secured to the underside of its playing surface. However, Applicants disagree that the Shaw patent makes up for this deficiency.

The Shaw patent discloses a compact LCD luminaire 10 having a solid main body of optically clear glass or acrylic resin, including a square “mesa” 16 surrounded by a flange 14. Several fluorescent lamps 18 extend around the mesa’s periphery and are supported by the flange. A cover 36 overlays the mesa, flange, and lamps. The Examiner has failed to specify how Shaw’s structure corresponds to the claimed “light trough . . . configured in a generally C-shaped cross-section defining first and second vertical risers and a connecting floor.” Indeed, it can’t be done, because Shaw’s LCD luminaire lacks the required vertical risers and connecting floor.

Moreover, even if it is assumed *arguendo* that Shaw’s LCD luminaire 10 constitutes the claimed C-shaped trough, the luminaire is incompatible with Orenstein’s poker table. Shaw’s luminaire cannot be integrated into Orenstein’s table without destroying an essential feature of that table, i.e., operation of the card scanning apparatus 24 for scanning any playing card placed over the window 20. Placement of Shaw’s luminaire 10 beneath each of the windows 20 would necessarily interfere physically with the card scanning apparatus 24. The Examiner has failed to point out how persons skilled in the art could overcome this incompatibility.

Moreover, the Examiner has failed to point out *why* persons skilled in the art would have been motivated to use Shaw’s LCD luminaire 10 with Orenstein’s poker

W02-LA:LJM\70916230.2
021306

-10-

01YA-120318

table 10. The only illumination provided in Orenstein's poker table is incidental to the operation of the card scanning apparatus 24 (the face down card must be illuminated for the scanner to see it). Why would persons skilled in the art find it necessary to use a special flat plane illumination system like Shaw's luminaire for this limited purpose?

For these reasons, the § 103(a) rejection of independent claim 9 and its dependent claim 10, based on a combination of the Orenstein patent and the Shaw patent, is improper and should be withdrawn.

Independent Claim 31 and its Dependent Claims 32-38

Amended independent claim 31 defines a game table including: (1) a tabletop defining an opaque, planar, generally oval-shaped playing surface; (2) one or more supports for the tabletop; (3) an elongated light window extending around a substantial portion of the periphery of the playing surface and past a plurality of player stations; and (4) a light source configured to project light through the light window to the space above the playing surface.

In rejecting independent claim 31, the Examiner asserted as follows, at page 5 of the Office Action:

"Orenstein fails to teach a light window that extends around the entire periphery of the playing surface. Shaw teaches that his light source extends around the periphery . . . It would have been obvious to one of ordinary skill in the art at the time the invention was made to include light around the periphery of the modified table of Orenstein for more uniform lighting during game play.

"Shaw fails to teach that his mesa is oval shaped. It would have been obvious to one of ordinary skill in the art to make the table whatever shape desired or expedient. Such would be a design issue. Mere change in shape would present little or no difficulty to one skilled in the art."

Earlier, in connection with the rejection of independent claim 9, the Examiner had asserted during the telephone interview that it would have been obvious to have placed

W02-LA:LJM70916230.2
021306

-11-

01YA-120318

Shaw's LCD luminaire 10 beneath each of Orenstein's windows 20. Now, however, in connection with the rejection of independent claim 31, the Examiner seems to be asserting that it would have been obvious to have placed just a single one of Shaw's LCD luminaires 10 beneath Orenstein's entire table 10. That combination, likewise, would not make any sense.

First, the structure of Shaw's LCD luminaire 10 is entirely incompatible with the structure of Orenstein's poker table 10. The main body 12 and cover 36 of Shaw's luminaire 10, clearly, would interfere with operation of the multiple card scanning apparatuses 24 of Orenstein's poker table 10. How could the luminaire physically fit beneath the table without preventing the card scanning apparatuses from properly functioning?

Second, where is teaching to provide "light around the periphery of the modified table of Orenstein for more uniform lighting during game play"? Orenstein provides illumination solely for the purpose of illuminating a playing card placed face-down over a viewing window 20. Orenstein does not provide any illumination of the table's playing surface; presumably that is provided by an *external* lighting system. The Orenstein patent lacks any suggestion about integrating a tabletop illumination system into the table, itself.

For these reasons, the § 103(a) rejection of independent claim 31 and its dependent claims 32-38, based on a combination of the Orenstein patent and the Shaw patent, is improper and should be withdrawn.

New Claim 39

Also by this Amendment, Applicants have added new claim 39, which depends from amended independent claim 31. This new claim defines the light source to include a plurality of fluorescent light fixtures arranged adjacent to the elongated light window. No new matter has been introduced by this new claim. New claim 39 is properly allowable.

W02-LA:LJM/V0916230.2
021306

-12-

01YA-120318

Additional Matters Discussed in the Telephone Interview

After Applicants' undersigned attorney presented the above arguments during the telephone interview, the Examiner indicated that she would conduct additional searching, seeking references that disclose game/poker tables incorporating an integral lighting system.

The Examiner also suggested that Applicants' attorney consider the relevance of several patents already of record in this application, but not applied in any claim rejections. These patents are U.S. Patent No. 4,390,930 to Herst et al.; No. 4,644,454 to Herst et al.; No. 5,865,528 to Compton et al.; and No. 6,179,451 to Bodine et al. Applicants have reviewed these patents and note that they all relate to lighting fixtures by themselves, and not to lighting fixtures integrated into a game/poker table. The patents are not considered material to the patentability of the claimed invention.

Conclusion

This application should now be in condition for allowance of claims 1, 3, 5, 7, 9-13, and 22-39. Issuance of a notice of allowance is respectfully requested. If the Examiner believes that a further telephone conference with the Applicants' undersigned attorney might expedite the prosecution of this application, she is invited to call at the telephone number indicated below. Any additional fees due in connection with the filing of this Amendment should be charged to Deposit Account No. 19-1853.

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: _____

James R. Brueggemann
Registration No. 28,286

333 South Hope Street, 48th Floor
Los Angeles, California 90071
(213) 620-1780 x4156

W02-LA:LJM/70916230.2
021306

-13-

01YA-120318